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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION** \*E-FILED - 4/20/05\*

DIRECTV, INC., a California corporation,  
  
 Plaintiff,  
  
 vs.  
  
 MICHAEL SILVA,  
  
 Defendant.

Case No. CV-04-03601 RMW

Hon. Ronald M. Whyte

**REQUEST FOR VOLUNTARY DISMISSAL  
 OF DEFENDANT MICHAEL SILVA;  
 ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action with prejudice as to Defendant MICHAEL SILVA ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against Defendant, each party to bear its own attorneys' fees and costs incurred in this action to date.

Defendant answered the Complaint on or about November 12, 2004. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant with prejudice.

Defendant MICHAEL SILVA is the last remaining active Defendant in this action.  
This entire action as to all remaining claims is therefore terminated in full.

DATED: April 4, 2005

Respectfully Submitted,

BUCHALTER, NEMER, FIELDS & YOUNGER  
A Professional Corporation

By: /s/ Sandeep J. Shah  
Sandeep J. Shah  
Attorneys for Plaintiff DIRECTV, Inc.

**ORDER**

Having read the foregoing Request for Voluntary Dismissal of Defendant SILVA  
filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the  
Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed with prejudice as against Defendant SILVA only;
2. Each party shall bear its own attorney's fees and costs incurred in this action to date; and
3. As Defendant SILVA is the last remaining active Defendant in this action, this entire action as to all remaining claims is hereby terminated in full.

DATED: 4/20/05

/S/ RONALD M. WHYTE  
Honorable Ronald M. Whyte  
Judge of the United States District Court  
Northern District of California